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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

GERSTL, SHANE F

ART UNIT	PAPER NUMBER
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2183

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DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

### Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 3/22/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be resubmitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other: Amendments to the specification not on a separate sheet
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other: \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☒ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Amendments to the specification not on a separate sheet. Single instead of double brackets used. Brackets used for deletion of > 5 characters and where a strikethrough would be clearly visible.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH time limit is not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE)**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection,** and is not affected by the non-compliant status of the amendment.

1. Each section of the amendment papers must be on a separate sheet of paper. This means that the amendments to the claims, amendments to the specification, and cover sheet must all be on separate sheets.
2. It is required that all of the text of each claim as originally filed is included in the listing of claims. Claim 6 seems to be trying to delete the phrase "according to which method," when the actual text of the original claim is "according to claim 1." Claim 7 uses the spelling "characterized" in a phrase seemingly to be deleted when the original uses the spelling "characterised."
3. The amendments to the specification use single brackets for what appears to be deletion. Since brackets are not to be used for such a purpose, but double brackets are to be used. In addition double brackets may be used for deletion of five or fewer characters or for deletions that would otherwise be hard to read with a strikethrough (such as a "4" or a "-"). Applicant has used brackets (which must be double and not single) for deletion of far more than 5 characters and with terms that would be clearly shown with a strikethrough.

The above issues are all outlined in the attached Office Flyer regarding non-compliant amendments.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane F Gerstl whose telephone number is (703)305-7305. The examiner can normally be reached on M-F 6:45-4:15 (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (703)305-9712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shane F Gerstl  
Examiner  
Art Unit 2183

SFG  
March 29, 2004



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